

REMARKS

Claims 1-5 are pending in the application. In the final Office Action dated July 9, 2008, the Examiner made the following disposition:

- A.) Rejected claims 1, 2, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Wolf*.
- B.) Rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1, 2, and 5 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Wolf*:

Applicant respectfully disagrees with the rejection.

Independent claim 1 claims a method for manufacturing a micromachine including an oscillator. The method comprises:

- forming a sacrifice layer around a movable portion of the oscillator, the sacrificial layer comprising silicon dioxide;
- covering the sacrifice layer with an overcoat film, followed by the formation of a penetrating hole reaching the sacrifice layer in the overcoat layer;
- performing sacrifice-layer etching for removing the sacrifice layer using the penetrating hole in order to form a space around the movable portion; and
- a step of performing a film-formation treatment at a reduced pressure following the sacrifice-layer etching so as to form a wiring layer that seals the penetrating hole.

This is clearly unlike *Bruner* in view of *Wolf*, which fails to disclose or suggest forming a film-formation treatment at a reduced pressure following a sacrifice-layer etching so as to form a wiring layer that seals a penetrating hole. Referring to *Bruner* Figure 3f, *Bruner* teaches filling its penetrating hole with an aluminum corking structure 240, which is clearly not a wiring layer. Instead, *Bruner*'s corking structure 240 is merely a plug. As described in Applicant's specification, by sealing Applicant's claimed penetrating hole with a layer that also is a wiring layer, fewer processing steps are required. Specification [0037]. In other words, an additional processing step is not required to form a wiring layer in addition to forming a plug. This is clearly unlike *Bruner*, which merely forms a plug and then must form an additional wiring layer.

Wolf also fails to teach or suggest forming a film-formation treatment at a reduced pressure following a sacrifice-layer etching so as to form a wiring layer that seals a penetrating hole

Therefore, *Bruner* in view of *Wolf* fails to disclose or suggest claim 1.

Claims 2 and 5 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection is improper and requests that it be withdrawn.

B.) Rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*:

Applicant respectfully disagrees with the rejection.

Claim 1 is allow able over *Bruner* as discussed above. *Lin* and *Schmid* each fails to teach or suggest forming a film-formation treatment at a reduced pressure following a sacrifice-layer etching so as to form a wiring layer that seals a penetrating hole. Therefore, *Bruner* in view of *Lin* or *Schid* still fails to disclose or suggest claim 1.

Claims 3 and 4 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

By: /Christopher P. Rauch/ Reg. 45,034
Christopher P. Rauch
SONNENSCHNEIDER, NATH & ROSENTHAL LLP
P.O. Box #061080
Wacker Drive Station - Sears Tower
Chicago, IL 60606-1080
Telephone 312/876-2606
Customer #26263
Attorneys for Applicant(s)